

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3080
)	
Plaintiff,)	MEMORANDUM
vs.)	AND ORDER
)	
THOMAS NEAL WRIGHT,)	
)	
Defendant.)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 35), recommending denial of Defendant's motion to suppress (filing 19), and on Defendant's statement of objections (filing 38), filed pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1).

I have conducted a de novo review of the record. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the law, the report and recommendation should be adopted and Defendant's statement of objections and motion to suppress should be denied in all respects.

Regarding Defendant's objection that the Magistrate Judge's report and recommendation does not specifically discuss Defendant's Exhibit 101, I have watched that videotape and find that it does not support Defendant's contention that trees would have obstructed the officers' view of the intersection where Defendant failed to come to a complete stop. Rather, what is shown on the videotape appears consistent with Trooper Hand's testimony that while there were some trees on the east side of County Road B, they were spaced 15 or 20 feet apart and did not block his view of the intersection. (Transcript (filing 27) at 12.)

Accordingly,

IT IS ORDERED that:

1. the Magistrate Judge's report and recommendation (filing 35) is adopted;
2. Defendant's objections (filing 38) are denied; and
3. Defendant's motion to suppress (filing 19) is denied in all respects.

April 5, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge